

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

EAUX HOLDINGS, LLC

CIVIL CASE NO. 2:20-CV-01582

*Jury Trial*

VERSUS

JUDGE JAMES CAIN

SCOTTSDALE INSURANCE CO.

MAG. JUDGE KATHLEEN KAY

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**SUR-REPLY MEMORANDUM IN OPPOSITION TO  
MOTION TO COMPEL DEPOSITION OF MONTE JONES**

NOW INTO COURT, through undersigned counsel, comes Defendant, SCOTTSDALE INSURANCE COMPANY (“Scottsdale”), who respectfully presents this Sur-Reply Memorandum in Opposition to the Motion to Compel Deposition of Monte Jones (R. Doc. 46) filed by Plaintiff, Eaux Holdings, LLC. Scottsdale presents this sur-reply solely to oppose Plaintiff’s request for a continuance of the trial date set forth in its Reply Memorandum in Support of Motion to Compel (R. Doc. 55).

Scottsdale submits no good cause exists for Plaintiff’s request to continue the trial date. Counsel for Scottsdale has cooperated in scheduling all depositions requested by Plaintiff, including persons over which Scottsdale has no control. The last deposition scheduled as of the date of this filing is set for September 24, 2021.

Scottsdale continues its efforts to secure the deposition of Mr. Jones, who is the last deponent requested. Plaintiff’s counsel provided dates through September 25, 2021 for his deposition. Mr. Jones was not available any of those dates but may be available October 6 or October 7, which dates are only 10 days past the dates provided by Plaintiff’s counsel.

We continue our efforts to confirm these dates with Mr. Jones.

Contrary to Plaintiff's suggestion, October 6 and 7 are not so close to trial that a continuance would be warranted. The Court has indicated its desire to maintain all deadlines currently in place, up to and including the trial scheduled to begin on November 8, 2021. Scottsdale agrees. The Court advised that the hurricane cases would be subject to tight deadlines. We also note that the Court's Scheduling Order "sets no specific deadline for completion of discovery." (R. Doc. 17 at 2). No good cause exists to continue the trial in this matter and Plaintiff's request should be denied.

RESPECTFULLY SUBMITTED,

**KEOGH, COX & WILSON, LTD.**

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*Counsel for Defendant, Scottsdale  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on this **16<sup>th</sup> day of September, 2021**, a copy of the foregoing Sur-Reply Memorandum in Opposition to Motion to Compel Deposition of Monte Jones was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the court's electronic filing system to all counsel of record. I also certify that there are no known manual recipients.

/s/John P. Wolff, III  
JOHN P. WOLFF, III